

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HASAN MALIK DAVIS,

Plaintiff

v.

STATE OF NEVADA, et. al.,

Defendants.

Case No. 3:22-CV-00388-MMD-CLB

**ORDER DIRECTING PLAINTIFF TO FILE
COMPLAINT AND FILE APPLICATION
TO PROCEED *IN FORMA PAUPERIS* OR
PAY FILING FEE**

I. DISCUSSION

On August 29, 2022, Plaintiff Hasan Malik Davis (“Davis”), an inmate currently in the custody of the Washoe County Detention Center, filed a “motion to dismiss charge” (ECF No. 1-1). Davis did not, however, submit a complaint, or file an application to proceed *in forma pauperis* or alternatively pay the full \$402 filing fee.

Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Because Davis filed a motion, but not a complaint, no action has been commenced in this Court. Additionally, under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* to file the civil action without prepaying the full \$402 filing fee.

The Court will grant Davis a **one-time** opportunity to file a complaint and a fully complete application to proceed *in forma pauperis*, or in the alternative, pay the full \$402 filing fee for this action on or before **Friday, October 28, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Davis does not timely comply with this order, the Court will recommend that this case be dismissed.

II. CONCLUSION

Accordingly, **IT IS ORDERED** that the Clerk of the Court will **SEND** to Davis the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

1 **IT IS FURTHER ORDERED** that the Clerk of the Court will **SEND** to Davis the
2 approved form application to proceed *in forma pauperis* by an inmate, as well as the
3 document entitled information and instructions for filing an *in forma pauperis* application.

4 **IT IS FURTHER ORDERED** that Davis will have until **Friday, October 28, 2022**,
5 to submit a complaint to this Court, and either submit a fully complete application to
6 proceed in forma pauperis or pay the full \$402 filing fee for a civil action (which includes
7 the \$350 filing fee and \$52 administrative fee).

8 **IT IS FURTHER ORDERED** that if Davis does not timely comply with all aspects
9 of this order, dismissal of this action will result.

10 **IT IS SO ORDERED.**

11 **DATED:** August 31, 2022.


UNITED STATES MAGISTRATE JUDGE